

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11	DIMITRI VALERYEVICH)	Civil No. 07cv2033-L(NLS)
12	TATARINOV,)	ORDER STRIKING DOCUMENT
13)	FROM THE RECORD
14	v.)	
15	SUPERIOR COURT OF THE STATE OF)	
16	CALIFORNIA, COUNTY OF SAN)	
17	DIEGO; OFFICE OF THE CHIEF)	
18	COUNSEL, DEPT. OF HOMELAND)	
19	SECURITY; U.S. ATTORNEY,)	
	SOUTHERN DISTRICT; ICE)	
	DETENTION & REMOVAL UNIT,)	
)	
	Respondents.)	
)	

On December 13, 2007, Respondent Superior Court of the State of California, County of San Diego (“State”) filed a Motion to Dismiss the Superior Court of the State of California (doc. no. 41). For the reasons which follow, the State’s motion is rejected and **STRICKEN FROM THE RECORD..**

This is the State’s third motion to dismiss. The State’s initial motion to dismiss was denied as moot on December 4, 2007 because a new petition had been filed. In the order denying the motion, the court admonished the state: “Respondent’s motion did not comply with the requirements of Civil Local Rule 7.1 Should Respondent file any motions in the future,

1 such motions must comply with all applicable Local Rules or Electronic Case Filing
2 Administrative Policies and Procedures. *Counsel is advised that any further failure to comply*
3 *may lead to penalties pursuant to Civil Local Rule 83.1.*" (Order filed Dec. 4, 2007 (emphasis
4 added).)

5 Nevertheless, on December 7, 2007, the State filed another motion to dismiss, again
6 failing to comply with local rules. Although the motion was denied on substantive grounds, the
7 court again admonished the State: "As before, the State's renewed motion fails to comply with
8 the requirements of Civil Local Rule 7.1 *Counsel is again advised that any further failure*
9 *to comply may lead to penalties pursuant to Civil Local Rule 83.1.*" (Order filed Dec. 10, 2007
10 (emphasis added).)

11 On December 13, 2007, the State again filed a motion to dismiss, again failing to comply
12 with Civil Local Rule 7.1, accordingly the motion is rejected. For the foregoing reasons, **IT IS**
13 **HEREBY ORDERED** as follows:

14 **1. Upon any further failure by the State to comply with the applicable Local Rules,**
15 **the court will issue an order to show cause re: sanctions.**

16 2. The Clerk of the Court is instructed to **STRIKE FROM THE RECORD** Motion to
17 Dismiss the Superior Court of the State of California filed December 13, 2007 (doc. no. 41).

18 **IT IS SO ORDERED.**

19
20 DATED: December 14, 2007

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22 
M. James Lorenz
United States District Court Judge

23 COPY TO:

24 HON. NITA L. STORMES
25 UNITED STATES MAGISTRATE JUDGE
26 ALL PARTIES/COUNSEL
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